

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
SUHEE KANG, :
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Plaintiff, :
:
-v- : 20-CV-10648 (JMF)
:
JERRY HEINAUER, et al., :
:
Defendants. :
:
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JESSE M. FURMAN, United States District Judge:

Plaintiff Suhee Kang, who is proceeding *pro se*, paid the filing fees to commence this action and filed her initial complaint on December 16, 2020. ECF No 1. The Complaint that was filed, however, appeared to be incomplete, cutting off in the middle of a sentence in Paragraph 3. Accordingly, the Court granted her leave to amend her complaint to provide any missing information and to substitute the originally named defendants with current officeholders. ECF No. 4. Plaintiff filed an Amended Complaint addressing these deficiencies on March 1, 2021. ECF No. 6.

Plaintiff included with the Amended Complaint a document that purports to be a summons, but is not signed by the Clerk of Court, as well as a Certificate of Service attesting to service of the putative summons and Amended Complaint on Defendants. Rule 4(a)(1) of the Federal Rules of Civil Procedure, however, requires that any summons “must . . . be signed by the clerk” and “bear the court’s seal.” The summons attached to the Amended Complaint that was filed does not meet these requirements and, thus, is invalid. It follows that any service Plaintiff may have already effected on Defendants is also invalid.

In light of Plaintiff's Amended Complaint, the Clerk of Court is directed to issue summonses as to Defendants Jerry Heinauer, Tracy Renaud, Alexander Mayorkas, and Monty Wilkinson. Plaintiff is directed to serve (or re-serve, as the case may be) a valid summons and the Amended Complaint on each Defendant **within 90 days of the issuance of the summonses**. If within those 90 days, Plaintiff has not either served Defendants or requested an extension of time to do so, the Court may dismiss the claims against Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute. **To be clear, notwithstanding any service Plaintiff may have performed already, Plaintiff must re-serve Defendants with the Amended Complaint and the valid summons issued by the Clerk of Court.**

In light of the current global health crisis, parties proceeding *pro se* are encouraged to submit all filings by email to Temporary_Pro_Se_Filing@nysd.uscourts.gov. Instructions for filing documents by email are attached to this Order. *Pro se* parties are also encouraged to consent to receive all court documents electronically. A Consent to Electronic Service Form is attached to this Order and available on the Court's website at <https://nysd.uscourts.gov/sites/default/files/2018-06/proseconsentecfnotice-final.pdf>. *Pro se* parties who are unable to use email may still submit documents by regular mail to the *Pro Se* Office, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007, or in person at the drop box located at the U.S. Courthouses in Manhattan (500 Pearl Street) and White Plains (300 Quarropas Street). In either case, however, there may be significant delays before such filings are received and/or docketed. No documents or court filings should be sent directly to Chambers. Copies of correspondence between a *pro se* party and counsel shall not be sent to the Court. For more information, please visit the Court's website at www.nysd.uscourts.gov and review the Court's Individual Rules and Practices in Civil *Pro Se* Cases, attached to this Order.

A *Pro Se* Law Clinic recently opened in this District to assist people who are parties in civil cases and do not have lawyers. It is separate from the *Pro Se* Intake Unit. The Clinic may be able to provide Plaintiff with advice in connection with the case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An unrepresented party can make an appointment in person or by calling 212-659-6190.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff, and to update the case caption to reflect the substitution of Defendants.

SO ORDERED.

Dated: March 4, 2021
New York, New York



JESSE M. FURMAN
United States District Judge



**United States District Court
Southern District of New York
*Pro Se Office***

**Pro Se (Nonprisoner) Consent & Registration Form to Receive
Documents Electronically**

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.²

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.



**United States District Court
Southern District of New York**

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Note: This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address City State Zip Code

Date	Signature
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Return completed form to:

Pro Se Office (Room 200)
500 Pearl Street
New York, NY 10007